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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FRANK LUCIDO, *et al*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

NESTLÉ PURINA PETCARE COMPANY, a
Missouri corporation; and DOES1 through 200,
inclusive,

Defendants.

Case No. 3:15-cv-00569-EMC

**STIPULATION AND
[PROPOSED] ORDER TO (1) SET
A BRIEFING SCHEDULE FOR
THE MOTIONS TO STRIKE
EXPERT TESTIMONY; AND (2)
CONTINUE THE HEARING ON
THE MOTION TO STRIKE THE
SUPPLEMENTAL REPORT OF
DR. JENA QUESTEN** Denied

CLASS ACTION

Complaint Filed: February 5, 2015

STIPULATION AND [PROPOSED] ORDER TO (1) SET A BRIEFING
SCHEDULE FOR THE MOTIONS TO STRIKE EXPERT TESTIMONY; AND
(2) CONTINUE THE HEARING ON THE MOTION TO STRIKE THE
SUPPLEMENTAL REPORT OF DR. JENA QUESTEN - 1

CASE No. 3:15-cv-00569-EMC

RECITALS

WHEREAS, Defendant Nestle Purina Petcare Company has filed motions to exclude the expert reports, opinions, and testimony of Plaintiffs' experts, Dr. Jena Questen and Dr. John H. Tegzes (Dkts. 109, 110, 124) (the "Motions to Strike Expert Testimony") and a motion to strike the supplemental report of Dr. Jena Questen (Dkt. 109) (the "Motion to Strike Supplemental Report");

WHEREAS, the Motions to Strike Expert Testimony were noticed for hearing on October 27, 2016, the same day as the hearing on Defendant's summary judgment motion;

WHEREAS, the Motion to Strike Supplemental Report was noticed for hearing on September 15, 2016;

WHEREAS, the parties previously entered into a stipulated briefing schedule for the motion for summary judgment (Dkt. 104). Under that briefing schedule, Plaintiffs' opposition to the motion for summary judgment is due on September 22, 2016 and Defendant's reply in support of the motion for summary judgment is due on October 13, 2016.

WHEREAS, because all of the above motions involve overlapping issues, the parties agree that it would be most efficient and expedient to coordinate the briefing schedule and hearing date for the Motions to Strike Expert Testimony with the briefing schedule for the motion for summary judgment and coordinate the hearing on the Motion to Strike Supplemental Report with the hearing on the motion for summary judgment.

WHEREAS counsel for the parties have conferred and agree.

STIPULATION

IT IS HEREBY STIPULATED, by all Plaintiffs and Defendant, by and through their respective counsel, that:

1. The briefing schedule for the Motions to Exclude Expert Testimony will be the same briefing schedule as the motion for summary judgment.

STIPULATION AND [PROPOSED] ORDER TO (1) SET A BRIEFING SCHEDULE FOR THE MOTIONS TO STRIKE EXPERT TESTIMONY; AND (2) CONTINUE THE HEARING ON THE MOTION TO STRIKE THE SUPPLEMENTAL REPORT OF DR. JENA QUESTEN - 1

2. Plaintiffs' response to both Defendant's Motion to Exclude the Expert Report, Opinions, and Testimony of Dr. Jena Questen (Dkt. 110) and Defendant's Motion to Exclude the Expert Report, Opinions, and Testimony of Dr. John H. Tegzes (Dkt. 124) will be due on September 22, 2016, the same day that Plaintiffs' opposition to Defendant's motion for summary judgment is due.

3. Defendant's reply in support of its Motion to Exclude the Expert Report, Opinions, and Testimony of Dr. Jena Questen (Dkt. 110) and Motion to Exclude the Expert Report, Opinions, and Testimony of Dr. John H. Tegzes (Dkt. 124) will be due on October 13, 2016, the same day Defendant's reply in support of its motion for summary judgment is due.

4. The hearing on Defendant's Motion to Strike the Supplemental Expert Report of Dr. Jena Questen (Dkt. 109), currently noticed for September 15, 2016, will be continued until October 27, 2016.

STIPULATED TO AND DATED this 1st day of September, 2016.

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STIPULATION AND [PROPOSED] ORDER TO (1) SET A BRIEFING SCHEDULE FOR THE MOTIONS TO STRIKE EXPERT TESTIMONY; AND (2) CONTINUE THE HEARING ON THE MOTION TO STRIKE THE SUPPLEMENTAL REPORT OF DR. JENA QUESTEN - 2

CASE NO. 3:15-cv-00569-EMC

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27 STIPULATION AND [PROPOSED] ORDER TO (1) SET A BRIEFING
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SUPPLEMENTAL REPORT OF DR. JENA QUESTEN - 3

CASE No. 3:15-cv-00569-EMC

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28 STIPULATION AND [PROPOSED] ORDER TO (1) SET A BRIEFING
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31 SUPPLEMENTAL REPORT OF DR. JENA QUESTEN - 4
32 CASE No. 3:15-cv-00569-EMC

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STIPULATION AND [PROPOSED] ORDER TO (1) SET A BRIEFING
SCHEDULE FOR THE MOTIONS TO STRIKE EXPERT TESTIMONY; AND
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SUPPLEMENTAL REPORT OF DR. JENA QUESTEN - 5
CASE No. 3:15-cv-00569-EMC

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SUPPLEMENTAL REPORT OF DR. JENA QUESTEN - 6
CASE No. 3:15-cv-00569-EMC

I. ORDER

Based on the stipulation of the parties:

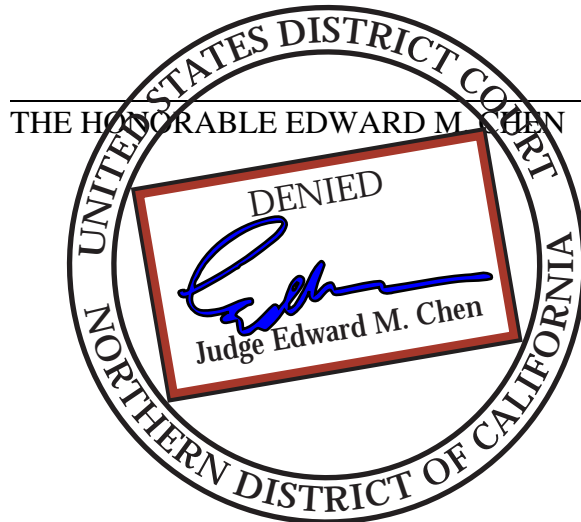
1. Plaintiffs' response to both Defendant's Motion to Exclude the Expert Report, Opinions, and Testimony of Dr. Jena Questen (Dkt. 110) and Defendant's Motion to Exclude the Expert Report, Opinions, and Testimony of Dr. John H. Tegzes (Dkt. 124) will be due on September 22, 2016, the same day that Plaintiffs' opposition to Defendant's motion for summary judgment is due.

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3. The hearing on Defendant's Motion to Strike the Supplemental Expert Report of Dr. Jena Questen (Dkt. 109), currently noticed for September 15, 2016, will be continued until October 27, 2016.

IT IS SO ORDERED. (Denied)

DATED this 2nd day of September, 2016.



STIPULATION AND [PROPOSED] ORDER TO (1) SET A BRIEFING SCHEDULE FOR THE MOTIONS TO STRIKE EXPERT TESTIMONY; AND (2) CONTINUE THE HEARING ON THE MOTION TO STRIKE THE SUPPLEMENTAL REPORT OF DR. JENA QUESTEN - 7

CERTIFICATE OF SERVICE

I, Beth E. Terrell, hereby certify that on September 1, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Attorneys for Defendant Nestle Purina Pet Care Company

DATED this 1st day of September, 2016.

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CASE NO. 3:15-cv-00569-EMC